

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

Attachment D

INTRODUCED

LLS NO. 13-0335.01 Esther van Mourik x4215

SENATE BILL 13-028

SENATE SPONSORSHIP

Jones,

HOUSE SPONSORSHIP

Tyler, Vigil

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING TRACKING THE UTILITY DATA OF A STATE BUILDING
102 THAT HAS ACHIEVED THE HIGHEST PERFORMANCE
103 CERTIFICATION ATTAINABLE AS PART OF ITS CAPITAL
104 CONSTRUCTION PROJECT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

For all state-assisted facilities that complete the design process on or after July 1, 2013, each state agency is required to monitor, track, and

Shading denotes HOUSE amendment; Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

verify utility vendor bill data pertaining to the state-assisted facility and annually report to the office of the state architect any necessary information used to ensure that the increased initial costs of the substantial renovation, design, or new construction, including the time value of money, to achieve the highest performance certification attainable are recouped. A state agency may use a commercial utility tracking software for this purpose. The annual report must include information related to building performance based on the state-assisted facility's utility consumption.

State-assisted facilities that have achieved the highest performance certification attainable and completed the design process prior to July 1, 2013, are strongly encouraged to monitor, track, and verify utility vendor bill data pertaining to such state-assisted facility to ensure that the increased initial costs to achieve the highest performance certification attainable are recouped.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Part of addressing the budget challenges facing state
5 government includes employing measures to steward public resources to
6 save money, water, and energy, and to ensure that those savings are
7 attained;

8 (b) The daily activities of state government have a significant
9 impact on the quality of the state's budget, public health, environment,
10 and use of its natural resources. To achieve greening government goals
11 and to measure progress toward those goals, further reductions in state
12 agency consumption of water and energy are necessary, and to be
13 effective, systematic collection of reduction data must be implemented.

14 (c) The evaluation, upgrading, and optimized operation of
15 state-assisted facilities will expand opportunities for skilled jobs in
16 construction trades, engineering, operations, sales, and innovative
17 technologies;

1 (d) Investing in energy efficiency contributes to stable, long-term
2 economic growth, encourages job creation, and enhances stewardship of
3 natural resources;

4 (e) While previous legislation has required a state agency or
5 department to perform any substantial renovation, design, or new
6 construction of a state-assisted facility to achieve the highest performance
7 standard certification attainable, the state agencies and departments are
8 not statutorily required to track the data needed to measure whether the
9 certification is indeed attained; and

10 (f) In order to manage our state-assisted facilities to attain the
11 highest performance standard possible, it is important to measure the
12 resource usage of such facilities carefully and to evaluate whether the
13 facilities are performing at an optimum level.

14 **SECTION 2.** In Colorado Revised Statutes, 24-30-1305, **amend**
15 **(9) (b); and repeal (9) (c) (IV) as follows:**

16 **24-30-1305. Life-cycle cost - application - high performance**
17 **standards - report.** (9) (b) (I) A state agency or department controlling
18 the substantial renovation, design, or new construction of a state-assisted
19 facility shall, pursuant to the program adopted in paragraph (a) of this
20 subsection (9), perform the substantial renovation, design, or new
21 construction to achieve the highest performance certification attainable
22 as certified by an independent third party pursuant to the high
23 performance standard certification program. For purposes of this
24 paragraph (b), a certification is attainable if the increased initial costs of
25 the substantial renovation, design, or new construction, including the time
26 value of money, TO ACHIEVE THE HIGHEST PERFORMANCE CERTIFICATION
27 ATTAINABLE can be recouped from decreased operational costs within

1 fifteen years.

2 (II) (A) FOR ALL STATE-ASSISTED FACILITIES THAT HAVE
3 COMPLETED THE DESIGN PROCESS ON OR AFTER JULY 1, 2013, EACH STATE
4 AGENCY OR DEPARTMENT SHALL MONITOR, TRACK, AND VERIFY UTILITY
5 VENDOR BILL DATA PERTAINING TO THE STATE-ASSISTED FACILITY AND
6 MUST ANNUALLY REPORT TO THE OFFICE OF THE STATE ARCHITECT, OR AN
7 ANALOGOUS SUCCESSOR OFFICE IN THE DEPARTMENT, ANY NECESSARY
8 INFORMATION, AS DETERMINED BY THE STATE ARCHITECT, THAT THE
9 STATE AGENCY OR DEPARTMENT USES TO ENSURE THAT THE INCREASED
10 INITIAL COSTS OF THE SUBSTANTIAL RENOVATION, DESIGN, OR NEW
11 CONSTRUCTION, INCLUDING THE TIME VALUE OF MONEY, TO ACHIEVE THE
12 HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE ARE IN FACT
13 RECOUPED. A STATE AGENCY OR DEPARTMENT MAY USE A COMMERCIAL
14 UTILITY TRACKING SOFTWARE OR OTHER TRACKING PROGRAM APPROVED
15 BY THE OFFICE OF THE STATE ARCHITECT TO MONITOR, TRACK, AND VERIFY
16 THE STATE-ASSISTED FACILITY AS SET FORTH IN THIS SUB-SUBPARAGRAPH
17 (A). THE ANNUAL REPORT MUST ALSO INCLUDE INFORMATION RELATED TO
18 BUILDING PERFORMANCE BASED ON THE STATE-ASSISTED FACILITY'S
19 UTILITY CONSUMPTION.

20 (B) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND
21 DECLARES THAT STATE-ASSISTED FACILITIES THAT HAVE ACHIEVED THE
22 HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE AND COMPLETED THE
23 DESIGN PROCESS PRIOR TO JULY 1, 2013, ARE STRONGLY ENCOURAGED TO
24 MONITOR, TRACK, AND VERIFY UTILITY VENDOR BILL DATA PERTAINING TO
25 SUCH STATE-ASSISTED FACILITY IN ORDER TO ENSURE THAT THE
26 INCREASED INITIAL COSTS TO ACHIEVE THE HIGHEST PERFORMANCE
27 CERTIFICATION ATTAINABLE ARE IN FACT RECOUPED. IF SUCH DATA IS

1 MONITORED, TRACKED, AND VERIFIED, THEN THE STATE AGENCY OR
2 DEPARTMENT MUST ANNUALLY REPORT TO THE OFFICE OF THE STATE
3 ARCHITECT, OR AN ANALOGOUS SUCCESSOR OFFICE IN THE DEPARTMENT,
4 ANY NECESSARY INFORMATION, AS DETERMINED BY THE STATE
5 ARCHITECT, THAT THE STATE AGENCY OR DEPARTMENT USES TO ENSURE
6 THAT THE INCREASED INITIAL COSTS OF THE SUBSTANTIAL RENOVATION,
7 DESIGN, OR NEW CONSTRUCTION, INCLUDING THE TIME VALUE OF MONEY,
8 TO ACHIEVE THE HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE ARE
9 IN FACT RECOUPED. IF SUCH DATA IS NOT MONITORED, TRACKED, AND
10 VERIFIED, THEN THE STATE AGENCY OR DEPARTMENT MUST PROVIDE THE
11 STATE ARCHITECT, IN WRITING, A REASONABLE EXPLANATION WHY SUCH
12 DATA IS NOT MONITORED, TRACKED, AND VERIFIED BY THE STATE AGENCY
13 OR DEPARTMENT. ANY STATE AGENCY OR DEPARTMENT THAT IS NOT
14 MONITORING, TRACKING, AND VERIFYING SUCH DATA MUST WORK WITH
15 THE STATE ARCHITECT TO FIND A WAY TO START MONITORING, TRACKING,
16 VERIFYING, AND REPORTING SUCH DATA.

17 ~~(c) (IV) A state-assisted facility may be exempted from complying~~
18 ~~with this section upon a determination by the executive director that~~
19 ~~extenuating circumstances exist such as to preclude the implementation~~
20 ~~of this subsection (9).~~

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.